IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

JUDGMENT

SB CIVIL MISC. APPEAL NO.30/2006
Nathu Lal V/s Kalyan Singh & Ors.

30.8.2006

PRESENT
HON'BLE MR. JUSTICE P.S. ASOPA

Mr.J.P. Gupta, for the appellant.

This is an appeal filed by the appellant for enhancement of compensation awarded vide award dated 19.9.2005 in MAC case No.561/2002 passed by MACT cum Additional District Judge, Beawar.

The facts, in brief, of the case are that when the appellant along with his family traveling in the Auto Rickshaw No.RJ-19-P-5085 and was going from Basni to Railway Station at Jodhpur. As and when they reached on New Power House road, suddently a loading Matador bearing No.RJ-19-G-6008, came from the opposite direction and both the vehicles collided with each other. As a result thereof, the appellant sustained injuries and remained in hospital for three days. At the time of the accident, the respondent No.1, 2 and 3 were the driver, owner and insurer of the Matador and the respondent

No.s4, 5 and 6 were the driver, owner and insurer of the Auto Rickshaw, hence, the claim petition was filed against them.

The Claims Tribunal considering five injuries, out of which two were serious and three were simple, awarded Rs.1410/- for medical expenses, Rs.4200/- for loss of income, Rs.2000/- for physical pain and mental agony and Rs.10,000/- for serious injuries and Rs.3000/- for simple injuries. In all Rs.20,610/- has been awarded.

The submission of Mr.J.P. Gupta is that Rs.2000/- awarded for physical pain and mental agony is on lower side.

I have gone through the award and further considered the submission of Mr.J.P. Gupta, counsel for the appellant.

In my opinion, when the claimant appellant himself remained admitted for three days in hospital only and subsequently recovered also, therefore, the amount of Rs.2,000/- for physical pain and mental agony is sufficient. The Claims Tribunal has not committed any kind of error in assessing the compensation. The total award of Rs.20,610/- is just, legal and proper.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-